

**Remarks**

Claims 1 through 10 are pending in this application. Claims 11 through 13 were cancelled in the Preliminary Amendment dated February 10, 2005. Claims 1 through 10 stand rejected. Rejections are presented by the Office under 35 U.S.C. §112, second paragraph; and 35 U.S.C. §112, first paragraph; and 35 U.S.C. §102(b).

This paper contains amendments under 37 C.F.R. §1.121. In order to advance prosecution and allowance, the present claims are limited to the compounds provided in Examples 1 through 3 and 5 through 136 as well as a pharmaceutical formulation comprising the compounds provided in Examples 1 through 3 and 5 through 136 in admixture-with an acceptable pharmaceutical carrier or excipient. Basis for these amendments can be found, at minimum, at page 49, line 11 through page 78, end of page, omitting Example 4 provided on page 50. Applicants affirmatively retain the right to pursue the subject matter of the cancelled claims in a later application, if desired.

**Priority**

Applicants note the Office's acknowledgement of the application's 35 U.S.C. 371 National Stage Filing, priority data, and relevant filing dates.

**Rejection of Claim 7 under 35 U.S.C. §112, Second Paragraph**

Claim 7 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. While Claim 7 has been cancelled, Claim 15 is to a pharmaceutical formulation comprising the claimed, exemplified compounds in admixture-with an acceptable pharmaceutical carrier or excipient. The Office indicates that such a claim is "self-conflicting", that "[p]harmaceutical compositions by definition must be effective yet non-toxic", and that the term "therapeutically effective amount" should be added to such a claim. Applicants respectfully submit that no requirement exists to claim a pharmaceutical formulation with the limitation of a pharmaceutically acceptable amount. This formulation claim merely requires the presence of an acceptable pharmaceutical carrier or excipient in admixture with the claimed compounds. A further limitation on this claim is neither appropriate nor required. As such, Applicants respectfully request the withdrawal of this rejection.

**Rejection of Claims 1 through 10 under 35 U.S.C. §112, First Paragraph**

Claims 1 through 10 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement for making prodrugs of the claimed compounds. While Applicants do not acquiesce to the merits of this rejection, Claims 1 through 10 have been cancelled. As such, Applicants assert that the rejection is obviated and respectfully request the rejection's withdrawal.

Claims 8 through 10 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement for treating cancer. While Applicants do not acquiesce to the merits of this rejection, Claims 8 through 10 have been cancelled. Applicants, therefore, assert that the rejection is obviated and respectfully request withdrawal of this rejection.

**Rejection of Claims 1 and 3 through 6 under 35 U.S.C. §102(b)**

Claims 1 and 3 through 6 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Yamamoto et al. (JP2001139575). While Applicants do not acquiesce to the merits of this rejection, Claims 1 and 3 through 6 have been cancelled. New Claim 14 contains the compounds provided in Examples 1 through 3 and 5 through 136. Applicants assert that these compounds are not anticipated by the STN search compounds from Yamamoto et al. as provided by the Office. As such, Applicants assert that the rejection is obviated and respectfully request the rejection's withdrawal.

**Conclusion**

Applicants assert that the above-stated remarks overcome the Office's rejections for this application. Applicants courteously solicit reconsideration of these rejections and passage of this case to issuance.

Respectfully submitted,

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